

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

TEAL PEAK CAPITAL, LLC;

Plaintiff,

v.

ALAN BRAM GOLDMAN;

Defendants.

Civil No. 3:20-cv-1747

Breach Of Contract; Specific
Performance Of Contract;
Reimbursement Of Funds, Costs
And Expenses

Response in Opposition to
“Informative Motion Regarding Evidence To Be Presented In The
Status Conference”****

To the Honorable Court:

Comes Now, Teal Peak Capital, LLC (“TPC”), and through the undersigned attorney, respectfully states and prays:

1. In response to Orders issued on December 22, 2021 (Docket No. 107) and reiterated on January 18, 2022 (Docket No. 110), defendant Alan Bram Mr. Goldman filed a motion titled *Informative Motion Regarding Evidence To Be Presented In The Status Conference* (Docket No. 113). The *Informative Motion* fails to Comply with this Court’s Orders.

2. In Dockets numbered 107 and 110, the Court instructed the parties intending to submit evidence during the January 28, 2022 hearing to file a motion identifying the evidence and, in the event witness were to be called, identifying those witnesses “with a summary of their expected testimony.” (Our emphasis). Purporting to comply with this Court’s Orders, defendant Mr. Goldman informed that he would act as

a witness, but, with regards to the “summary” mandate, expressed the following: “Mr. Goldman is prepared to testify about the facts alleged in the pleadings and the responsive pleadings.” That is not a summary of the expected testimony.

3. It cannot be that this Court requested a “summary of the expected testimony” and that simply stating that the witness will testify about the allegations in the pleadings meets that mandate. A summary is a brief statement or account of the main points of something, and Mr. Goldman’s ineloquent summary says nothing about what he intends to testify during the upcoming hearing. Plus, when compared with what TPC provided, the result is that Mr. Goldman abrogates an unfair advantage in the upcoming proceedings.

Wherefore, TPC asks that this Court find Mr. Goldman in breach of Orders at Dockets numbered 107 and 110, and exclude him from testifying during the schedule hearing. In the alternative, issue an Order instructing Mr. Goldman to provide a real “summary of his expected testimony.”

Respectfully Submitted.

In San Juan, Puerto Rico, this 25th of January 2022.

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the Court’s CM/ECF system, which will send notice of its filing electronically to the attorneys of record.

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